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THE SITUATION IN THE MIDDLE EAST

Report of the Secretary-General

I. INTRODUCTION

1. The present report is submitted in pursuance of General Assembly resolutions 47/63 A and B of 11 December 1992. The General Assembly, in its resolution 47/63 A, which deals with Israeli policies in the Syrian territory occupied by Israel since 1967, called upon the international community to urge Israel to withdraw from the occupied Syrian Golan and other occupied Arab territories. In resolution 47/63 B, which deals with the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980) of 20 August 1980, the General Assembly called once more upon those States to abide by the provisions of the relevant United Nations resolutions.

2. The Secretary-General, in order to fulfil his reporting responsibility under the above-mentioned resolutions, on 16 August 1993 addressed notes verbales to the Permanent Representative of Israel and to the Permanent Representatives of the other Member States and requested them to inform him of any steps their Governments had taken or envisaged taking concerning implementation of the relevant provisions of those resolutions. As at 1 October 1993, two replies had been received, from Ecuador and Ghana. Those replies are reproduced in section II of the present report.

II. REPLIES FROM MEMBER STATES

ECUADOR

[Original: Spanish]

1. The Government of Ecuador has expressed continuing support for the negotiations going on within the framework of the Middle East Peace Conference.

2. The headquarters of Ecuador's diplomatic representation in Israel are located at Tel Aviv.

GHANA

[Original: English]

Ghana severed all relations with Israel in 1975 and has, since then, urged Israel to withdraw from the occupied Arab territories, including Syria. The resolution on the transfer of diplomatic missions to Jerusalem does not apply to Ghana since Ghana has no diplomatic relations with Israel.

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ELIMINATION OF APARTHEID AND ESTABLISHMENT OF A UNITED, DEMOCRATIC AND NON-RACIAL SOUTH AFRICA

United Nations Trust Fund for South Africa

Report of the Secretary-General

1. The United Nations Trust Fund for South Africa, established in pursuance of paragraph 2 of General Assembly resolution 2054 B (XX) of 15 December 1965, is made up of voluntary contributions from States, organizations and individuals, Governments of countries acting as hosts to refugees from South Africa, and other appropriate bodies. In accordance with that resolution, it is to be used for the following purposes:

(a) Legal assistance to persons persecuted under repressive and discriminatory legislation of South Africa;

(b) Relief of such persons and their dependants;

(c) Education of such persons and their dependants;

(d) Relief of refugees from South Africa.

In addition, the General Assembly, in resolution 46/79 F of 13 December 1991, supported "continued and substantial humanitarian, legal and educational assistance by the international community in order to alleviate the plight of those persecuted under discriminatory legislation in South Africa and their families, and to facilitate the reintegration of released political prisoners and returning exiles into South African society". It also supported "assistance by the Trust Fund for work in the legal field aimed at ensuring effective implementation of legislation repealing major apartheid laws, redressing continuing adverse effects of these laws and encouraging increased confidence in the rule of law".

2. The General Assembly, in its resolution 47/116 C of 18 December 1992, reiterating its support for "continued and substantial humanitarian, legal and educational assistance by the international community in order to alleviate the plight of those persecuted under discriminatory legislation in South Africa, and to facilitate the reintegration of released political prisoners and returning exiles into South African society", commended "the Secretary-General and the Committee of Trustees of the Trust Fund for their persistent efforts to promote humanitarian and legal assistance to victims of apartheid and racial discrimination". It expressed "its appreciation to the Governments, organizations and individuals that have contributed to the Trust Fund and to the voluntary agencies engaged in rendering humanitarian and legal assistance to the victims of apartheid in South Africa"; supported "assistance by the Trust Fund for work in the legal field aimed at ensuring effective implementation of legislation repealing major apartheid laws, redressing continuing adverse effects of those laws and encouraging increased public confidence in the rule of law"; appealed for "generous contributions to the Trust Fund, as well as for "direct contributions to the voluntary agencies engaged in rendering assistance to the victims of apartheid and racial discrimination in South Africa", and endorsed "the decision of the Trust Fund to channel its assistance through appropriate non-governmental organizations inside South Africa".

3. Since the last report of the Secretary-General, dated 15 October 1992 (A/47/525), the Trust Fund has received contributions from Governments totalling $2,188,955 as follows:

Member State	United States Dollars
Australia	45 695
Austria	100 015
Brazil	5 000
Chile	5 000
China	30 000
Denmark	161 075
France	113 043
Germany	105 325
Greece	4 500
Iceland	2 368
India	2 000
Indonesia	6 000
Iran (Islamic Republic of)	4 400
Japan	20 000
Libyan Arab Jamahiriya	5 000
Luxembourg	27 068
New Zealand	10 638
Nigeria	2 500
Norway	620 504
Pakistan	3 000
Philippines	2 861
Sweden	410 959
Thailand	1 000
United States of America	500 000
Venezuela	1 004
	2 188 955

4. In addition, the following pledges are outstanding:

Member State	United States dollars
Brazil	5 000
Chile	10 000
Egypt	846
India	2 000
Iran (Islamic Republic of)	4 400
Iraq	10 000
Japan	20 000
Malaysia	1 000
Peru	1 000
Republic of Korea	7 500
Senegal	5 000
Syrian Arab Republic	2 000
Togo	611
Turkey	5 000
United States of America	8 000
	82 357

5. The total income to the Trust Fund since its inception, including interest, is $50,298,190, and the total amount of grants is $47,850,974, including those approved on 5 May and 12 October 1993.

6. In accordance with the decisions of the Committee of Trustees, grants totalling $1,450,000 have been made from the Trust Fund during the period under review. Furthermore, on 12 October 1993, the Committee of Trustees extended grants totalling $430,000.

7. The Secretary-General has the honour to transmit the report of the Committee of Trustees of the United Nations Trust Fund for South Africa on its work since the date of the last report (see annex).

ANNEX

Report of the Committee of Trustees of the United Nations Trust Fund for South Africa

1. The Committee of Trustees of the United Nations Trust Fund for South Africa is composed of the following members:

Mr. Peter Osvald (Sweden), Chairman
Professor Ibrahim Gambari (Nigeria), Vice-Chairman
Mr. Juan Somavia (Chile)
Mr. Ahmed Snoussi (Morocco)
Mr. Jamsheed K. A. Marker (Pakistan)

2. Since 15 October 1992, the date of the last report (A/47/525), the Committee of Trustees decided on three grants from the Trust Fund during the reporting period and on additional grants on 12 October 1993, for purposes within its terms of reference, as laid down in General Assembly resolutions 2397 (XXIII) of 2 December 1968, 2671 (XXV) of 8 December 1970 and 47/116 C of 18 December 1992 as follows:

Grant No.	Date of decision	Amount (United States dollars)	Purpose*
192	5 May 1993	1 000 000	(a), (b) and (c)
193	5 May 1993	200 000	(a) and (b)
194	5 May 1993	250 000	(a)
195	12 Oct. 1993	200 000	(a) and (c)
196	12 Oct. 1993	230 000	(a) and (c)

* As given in para. 1 of the report of the Secretary-General above.

3. During the period under review, the Committee continued to work directly with voluntary organizations in South Africa engaged in legal and humanitarian assistance, in accordance with the mandate of the Trust Fund.

4. In the course of 1993, the Committee was particularly encouraged that multi-party negotiations, which resumed in March, agreed on the holding of the first universal suffrage elections in April 1994, and the establishment of a multi-party Transitional Executive Council (TEC) to level the political playing field and promote conditions conducive to free and fair elections. Deadlock-breaking mechanisms were also agreed upon in case of differences in interpretation.

5. The Committee noted with satisfaction that multi-party negotiators also agreed on three draft bills to set up an Independent Broadcasting Authority and an Independent Media Commission to ensure free access to the media during the electoral campaign, and an Independent Electoral Commission to oversee the

elections planned for April 1994. The four bills were approved by the South African Parliament at a special session held on 23 September 1993. An interim Constitution now being finalized by negotiators is scheduled to be adopted at a second special session of the Parliament, to be held in early November.

6. The further repeal of apartheid legislation, the release of hundreds of political prisoners, the return of thousands of refugees and exiles, and the growing involvement of the United Nations and the international community in South Africa, as well as the launching on 2 September 1993 of a month-long peace campaign to contain political violence in the run up to the first democratic elections, were widely viewed by the international community as additional developments that have given added momentum to the negotiating process, which has thus become irreversible.

7. When assessing the developments which allowed it to lift all economic sanctions, the international community attached great importance to the decision to hold free and fair elections in April 1994. Recent suggestions that a referendum be held rather than the elections envisaged are, therefore, viewed as a cause for concern.

8. The many occurrences of political violence throughout the year are responsible not only for the tragic loss of countless human lives and property, but also for an atmosphere of growing anguish, fear and distrust throughout the country that can only have a destabilizing effect on the country in the months ahead. The Committee is convinced, therefore, that, despite the problems they face, all parties involved in the multi-party negotiating process must redouble their efforts to reach, without further delay, a consensus on outstanding constitutional issues and transitional arrangements so that free and democratic elections can be held next year, as scheduled, and the new, non-racial and democratic South Africa can, at long last, tackle the complex and arduous tasks of sustained growth and development in the interest of all South Africans.

9. In this connection, the Committee expressed its full support for the increasing involvement of the international community at large and the United Nations, in particular, in support of the multi-party negotiating process, human rights and democracy in South Africa.

10. It will be recalled that, in response to the grave situation prevailing in South Africa in the summer of 1992, and in accordance with Security Council resolution 772 (1992) of 17 August 1992, the Secretary-General deployed the United Nations Observer Mission in South Africa (UNOMSA) in September 1992 to work in close collaboration with the structures set up under the National Peace Accord, which it strives to strengthen in consultation with the relevant parties, including the National Peace Secretariat, the Commission regarding the Prevention of Public Violence and Intimidation and, the national, regional and local Peace Committees, which have been established in terms of the Accord. a/

11. The Committee welcomed the work carried out by Justice Richard Goldstone, the Chairman of the Commission, regarding the Prevention of Public Violence and Intimidation through investigations and reports on several aspects of the ongoing violence in the country.

12. The Committee noted with satisfaction that, during the period under review, further progress on the release of political prisoners was achieved as a result of a meeting on 26 September 1992 between the State President de Klerk, Mr. Mandela, the President of the African National Congress (ANC), and the establishment of a Joint Committee consisting of government and ANC representatives, which resolved 536 pending cases of political detainees. b/ At the end of July 1993, however, 49 persons were still listed as political prisoners by the Human Rights Commission of South Africa. c/

13. In accordance with the terms of the Memorandum of Understanding reached between UNHCR and the Government of South Africa on 4 September 1991, some 13,000 South African returnees had received assistance from the UNHCR office in South Africa at the end of 1992. d/

14. During the period under review, it should be noted that violence within Black communities abated somewhat in the first half of the year resulting in 1,387 deaths. e/ The Chairman of the National Peace Secretariat stated in early June that violence of a "purely political" character had markedly declined in recent months and that the nature of the violence had shifted from political confrontation to assassinations, taxi wars and crime. f/

15. The Committee welcomed the meeting on 23 June 1993 between Mr. Mandela and Chief Buthelezi, at which both leaders expressed the determination of their organizations to seek ways and means to end the senseless violence and to promote national reconciliation. g/ The Committee also felt that the nationwide observance of Peace Day on 2 September 1993, marked by moments of silence, peaceful demonstrations and pledges to quell the mindless violence, particularly through the establishment of a multi-party peace-keeping force, was another indication of the determination of the South African leadership, Black and White, and the majority of the South African people to forge ahead and bring the ongoing negotiating process to a successful end.

16. During the first half of 1993, a total of 281 cases of detention without trial were reported under the Public Safety Act authorizing police custody of up to 30 days for interrogation or for "preventative" purposes, and Section 29 of the Internal Security Act that provides for 10 days for interrogation and Section 50 that allows 14 days of "preventative" custody. Such legislation is currently being used in "unrest areas" and in some "Homelands", where authorities in particular continue to deny free political activity under such legislation. h/

17. Of 824 accused persons 145 were convicted in 84 political trials concluded during the first half of 1993, corresponding to a 17 per cent conviction rate. i/ Three hundred and one persons (not including Transkei, Bophuthatswana, Venda and Ciskei) were listed on Death Row. Although no executions have actually taken place, the Committee expressed concern at the decision taken in June 1993 by the Tricameral Parliament in South Africa to lift the moratorium on executions, which had been suspended since February 1990. j/

18. In 1993, and in accordance with General Assembly resolution 47/116 C of 18 December 1992, the Committee of Trustees continued, inter alia, to provide assistance for the reintegration of former political prisoners and newly released political prisoners into South African society.

19. The Committee also supported projects to alleviate some of the adverse effects of apartheid's legacy and to encourage increased public confidence in the rule of law. All assistance was channelled directly through voluntary organizations inside South Africa.

20. The Committee of Trustees looks forward to the time when universal suffrage elections are held next year and an Interim Government of National Unity is established, thus ushering in a new, non-racial democracy in South Africa.

21. The Committee of Trustees wishes to express its appreciation to the Secretary-General for his encouragement and support, as well as to the voluntary organizations concerned for their dedicated cooperation.

Notes

a/ S/25004, paras. 47-50; A/47/574, annex I, paras. 19-20.

b/ S/25004, para. 82.

c/ Human Rights Commission of South Africa, Summary Report of Repression for the month of July 1993 and Half-Year Review, p. 2.

d/ S/25004, para. 28.

e/ Human Rights Commission of South Africa, Half-Year Review, p. 1; Business Day (Johannesburg), 4 June 1993.

f/ Business Day (Johannesburg), 4 June 1993.

g/ New York Times, 24 June 1993.

h/ Human Rights Commission of South Africa, Monthly Repression Report, June 1993.

i/ Ibid.

j/ South Scan: A Bulletin of Southern African Affairs (London), 25 June 1993; Weekly Mail (Johannesburg), 8-15 April 1993.

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UNITED NATIONS EDUCATIONAL AND TRAINING PROGRAMME FOR SOUTHERN AFRICA

Report of the Secretary-General

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I. INTRODUCTION

1. The United Nations Educational and Training Programme for Southern Africa (UNETPSA) was established by the General Assembly in its resolution 2349 (XXII) of 19 December 1967 by integrating earlier special programmes to assist persons from Namibia, South Africa, southern Rhodesia and territories under Portuguese administration in Africa. It is administered by the Secretary-General in consultation with the Advisory Committee on the United Nations Educational and Training Programme for Southern Africa, which was established by the Assembly in its resolution 2431 (XXIII) of 18 December 1968, and is financed from a Trust Fund made up of voluntary contributions by States, organizations and individuals. The Programme is now granting new awards only to disadvantaged students from South Africa.

2. The General Assembly, in its resolution 47/117 of 18 December 1992, considered that, under the changing circumstances in South Africa, the Programme should continue to have, in addition to its educational and training programmes abroad, the necessary flexibility and means to expand, in an appropriate manner, educational and training assistance to disadvantaged South Africans within the country itself. The Assembly also appealed to all States, institutions, organizations and individuals to offer greater financial and other assistance to the Programme to enable it to carry out its programme of activities.

3. The present report covers the period from 1 September 1992 to 31 August 1993.

II. CONTRIBUTIONS TO THE PROGRAMME

4. Since the last report of the Secretary-General, which was issued on 28 October 1992 (A/47/513), the Programme has received the following contributions, totalling $3,279,817, for the period from 1 September 1992 to 31 August 1993:

Country	(United States dollars)
Australia	66 785
Austria	70 000
Canada	113 821
Denmark	161 075
France	130 435
Germany	105 325
Greece	9 000
Iceland	2 200
India	2 000
Indonesia	6 000
Japan	660 000
New Zealand	21 260
Nigeria	2 500
Norway	916 655
Philippines	361
Republic of Korea	7 500

Country	(United States dollars)
Spain	33 653
Sweden	156 739
Thailand	1 000
Trinidad and Tobago	2 508
Tunisia	6 000
United States of America	800 000
Venezuela	5 000
	3 279 817

5. In addition, the following pledges for 1993, totalling $759,345, are outstanding:

Country	(United States dollars)
Egypt	846
India	2 000
Ireland	30 303
Japan	660 000
Luxembourg	30 030
Malaysia	1 000
Mali	1 832
Morocco	2 186
Peru	1 000
Republic of Korea	12 500
Senegal	5 000
Togo	611
United States of America	12 000
Zambia	37
	759 345

6. The 1993 contributions and pledges, totalling $4,039,162, represent a substantial decrease in resources over the previous year, when contributions and pledges totalled $5,423,285.

III. AWARDS OF SCHOLARSHIPS

7. The pattern of development of the Programme since 1987/88 may be seen from the table below:

Reporting period	Number of new awards	Number of awards extended	Number of scholarship holders
1987/88	607	751	1 358
1988/89	95	1 113	1 208
1989/90	542	658	1 200
1990/91	648	630	1 278
1991/92	1 264	844	2 108
1992/93	1 989	564	2 553

8. The breakdown of scholarship holders by country of origin since 1986/87 is as follows:

	1987/88	1988/89	1989/90	1990/91	1991/92	1992/93
Namibia	479	442	361	343	321	94 a/
South Africa	879	766	839	925	1 787	2 459
Total	1 358	1 208	1 200	1 278	2 108	2 553

a/ The Advisory Committee decided that, as at 31 December 1992, new awards would be given to disadvantaged South Africans only. Consequently this figure represents the number of awards extended to Namibian students already sponsored by the Programme prior to December 1992.

IV. WORK OF THE ADVISORY COMMITTEE

9. The Advisory Committee on the United Nations Educational and Training Programme for Southern Africa is composed of representatives of Belarus, Canada, Denmark, India, Japan, Liberia, Nigeria, Norway, the United Republic of Tanzania, the United States of America, Venezuela, Zaire and Zambia. Representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR), the Special Committee against Apartheid, the Organization of African Unity (OAU) and the Namibia Transitional Unit, as well as representatives of Botswana, Lesotho and Swaziland, attend meetings of the Advisory Committee as observers.

10. During the period under review, Mr. Martin Huslid, Permanent Representative of Norway to the United Nations, was Chairman of the Advisory Committee. Mr. Isaiah Zimba Chabala, Deputy Permanent Representative of Zambia to the United Nations, was Vice-Chairman.

11. The Committee held three meetings, at which it considered several aspects relating to the development of the Programme in the light of the changing circumstances in South Africa.

12. The Committee is of the view that, given the progress achieved in the multiparty negotiating forum, the establishment of a Transitional Executive Council and the broad-based agreement on the holding of universal suffrage elections next year, there is a need for intensive educational and training assistance to disadvantaged South Africans in order to facilitate the transition to a new, non-racial and democratic South Africa.

13. The Committee notes with satisfaction that the Programme has continued during the period under review, in accordance with the recommendations of the 1989 evaluation report and the Follow-Up Conference on International Educational Assistance to Disadvantaged South Africans, held in New York on 8 and 9 September 1992, as well as relevant resolutions of the General Assembly, to

strengthen its educational and training activities inside South Africa, through distance education programmes, awards at universities and technikons in priority fields, as well as short-term leadership and specialized skill training programmes.

14. During the period under review, in accordance with its work plan, the Programme initiated several new projects in cooperation with a broader network of scholarship agencies, educational institutions and non-governmental organizations, particularly in South Africa. Through a cost-effective allocation of resources and co-sponsorship arrangements with universities, technikons and non-governmental organizations inside South Africa and abroad, the Programme was able to sponsor 2,553 students during the present period as opposed to 2,108 students in the previous one.

15. It should be noted that, in its work plan for 1993-1994, UNETPSA allocated $2.4 million, about 64 per cent of its total budget, for new awards, to projects inside South Africa, 10.5 per cent in other low-cost countries and 19.5 per cent in high-cost countries. Currently 84 per cent of students sponsored by the Programme are placed in South Africa and other low-cost countries, and only 16 per cent are pursuing their studies in high-cost countries in short-term specialized courses. The Programme is currently mounting a major co-sponsorship training programme with technikons in South Africa, which will absorb a greater percentage of its resources in the near future. The training and placement of mid- and high-level cadres in the key sectors of science and technology is a crucial requirement for sustained growth and development in South Africa.

Co-sponsorships and other cooperative arrangements

16. In accordance with General Assembly resolution 47/117, co-sponsorship and other arrangements inside South Africa were consolidated and expanded with a number of universities, technikons and non-governmental organizations.

17. As the Programme shifted the focus of its educational and training activities to South Africa, particular attention was given to distance education and training programmes at universities and technikons with a view to enhancing institution-building and contributing to filling South Africa's human resource needs during the transition period and beyond. Limited graduate studies at the MA and Ph.D. levels were primarily carried out abroad in programmes involving tuition-waivers, graduate assistantships and other cost-sharing arrangements.

18. Administrative costs of the Programme are maintained at a minimum through group arrangements with educational institutions in South Africa. In order to strengthen coordination with its South African partners and monitor more closely the implementation of its educational and training projects in South Africa, UNETPSA is now considering the recruitment and deployment of a Junior Programme Officer in South Africa.

19. Co-sponsored projects that are being carried out or are under active consideration are listed below:

(a) Inside South Africa

(i) The Bursary Council of South Africa. Fifty-five awards co-sponsored with the Council were extended in 1993. In addition, 25 new awards were granted in 1993 to students co-sponsored with the Council in specialized fields such as law, education, agriculture, engineering, business and health;

(ii) Education Development Trust. In 1993, 30 new awards were made available in fields of study covering the sciences, engineering, law and education;

(iii) Lawyers for Human Rights. Twenty-five new awards were made in 1993. All of the fellows are engaged in legal studies. Upon their forthcoming graduation, they will join a core group of lawyers and judges who will play an important role during the transition period and beyond;

(iv) Educational Opportunities Council. For 1993, a total of 45 new awards were made covering professional upgrading of university teaching staff and other professional degree programmes;

(v) University of Fort Hare. For 1993, there were 63 new awards in fields such as education, law, public administration and the sciences;

(vi) University of Witwatersrand. There were 25 new awards for 1993. The Programme focused on the MS level in public policy and management through a special crash programme preparing personnel for the transition period;

(vii) University of Natal. There were 19 new awards for 1993 in fields covering education, teacher training, engineering and law;

(viii) University of Capetown, University of the Western Cape and University of the North. There were a very limited number of individual awards at these universities. Steps are under way to conclude group arrangements so that more students may soon be placed at them;

(ix) Bristol University, University of Durban-Westville and University of the Transkei. Bristol University is in the process of submitting to UNETPSA a proposal for upgrading senior education officials throughout South Africa under the auspices of the three universities. The programme would be executed as a distance education programme;

(x) South African Committee for Higher Education. Arrangements were concluded to support 1,000 students doing bridging programmes co-sponsored with SACHED as part of community-based distance education programmes;

(xi) Technikons. Arrangements are under way to support a number of students in 1994 at the Port Elizabeth Technikon, at Technikon RSA and at the Peninsula Technikon. Depending on the outcome of ongoing negotiations, a number of significant projects may be concluded soon

with other technikons in South Africa. These projects are to be implemented on 1 January 1994;

(xii) African Scholarship Fund. There were 68 extensions for the South African academic year 1993 out of the 100 awards made in 1992. The fields of study include law, public administration, education, the sciences and engineering;

(xiii) University of Durban-Westville. There were 25 new awards for 1993 in a creative programme with built-in job placement;

(b) In other low-cost countries

(i) UNETPSA has concluded a co-sponsorship arrangement with the Government of Egypt for the training of 18 South African medical students at medical schools in Egypt;

(ii) In 1993 the Southern Africa Education Trust Fund of Canada co-sponsored with UNETPSA and the Commonwealth Secretariat 17 South Africans in a programme for small business development, which took place in Swaziland for the academic work and in South Africa for the practical attachments;

(iii) UNETPSA continued its co-sponsorship of 12 "Nassau Fellows" with the Commonwealth Secretariat in Commonwealth developing countries. Fields of study, which include engineering, medicine and business, in some cases have practical attachments built into the programme;

(c) In high-cost countries

(i) The Southern Africa Education Trust Fund of Canada co-sponsored with UNETPSA 13 broadcasters in a combined academic and in-service practical attachment programme in Canada and South Africa;

(ii) Bristol University, UNETPSA and the Overseas Development Agency of the United Kingdom co-sponsored 10 mid-career education professionals for a six-month certificate course that ended during the reporting period. In addition, 12 South African professional educators, mainly in the fields of educational administration and educational governance, completed a one-year master's degree programme. In the context of institution-building, an additional agreement was reached for 6 professional educators to attend master's programmes and for 10 senior educational administrators to attend short-term certificate programmes. The latter will also be co-financed by the Overseas Development Agency;

(iii) In Japan, UNETPSA continued to work on two long-standing arrangements: first with the Japan International Cooperation Agency, UNETPSA undertook to place 10 South Africans in short-term programmes in industrial development, computer science, advanced technology and mining. In addition, UNETPSA is now about to place four South Africans at the United Nations Centre for Regional Development at Nagoya, Japan, for high-level post-graduate studies;

(iv) The African American Institute and UNETPSA co-sponsored five South Africans, including lecturers at the master's level, in a highly specialized graduate-level research programme not available in South Africa. Ten additional lecturers have now been identified for this programme of institutional upgrading;

(v) The International Institute of Education and UNETPSA co-sponsored 25 MA and Ph.D. candidates in priority fields, and 10 additional students are being considered for 1993;

(vi) In 1993, UNETPSA continued its cooperation with educational institutions and non-governmental organizations such as the Southern Africa Freedom through Education Foundation, New Hampshire College, New York University, Columbia University, Kearney State College, Ramapo College, Upsala College, the African Arts Fund and the Education Fund for Southern Africa;

(vii) UNETPSA also cooperated with the New York State Port Authority in an internship programme, which placed two UNETPSA graduates. It co-sponsored with Woods Associates and the International Space University a South African graduate student in a drought-related programme involving remote-sensing and other space technologies. UNETPSA continues to cooperate with AFRICARE in their well-established internship programme;

(viii) In a one-time effort the Ford Foundation, UNETPSA, the Southern Africa Freedom through Education Foundation and the Education Fund for Southern Africa co-sponsored a number of undergraduates who had been unable to secure support on their own from other sources.

V. CONCLUSION

20. The Secretary-General, in consultation with the Advisory Committee, has made every effort to promote the Programme in order to meet the growing and critical educational and training needs of students from South Africa.

21. In view of the urgent need to contribute effectively to filling the human resource needs for a new, non-racial and democratic South Africa, the Secretary-General appealed to all States, institutions, organizations and individuals to offer continued generous financial and other support to the Programme. It is now increasingly recognized that a large trained cadre of Black South Africans, especially at the high and middle levels of management in education, science, technology and other priority areas, will play an important role in the economic and social development of South Africa.

22. The Secretary-General wishes to express his deep appreciation to those States which have supported the Programme, either in the form of contributions, scholarships or placement in their educational institutions. He also wishes to express his appreciation to the Secretary-General of OAU, the Secretary-General of the Commonwealth Secretariat, the Administrator of the United Nations Development Programme (UNDP), the United Nations High Commissioner for Refugees and the executive heads of the specialized agencies for their continued

cooperation. Finally, he wishes to acknowledge the contributions of educational institutions and non-governmental organizations, particularly in South Africa, and of other organizations that have cooperated with the Programme.

ANNEX I

Applications and awards
(1 September 1992-31 August 1993)

A. Namibian students a/

Applications received		107	
New awards granted			42
Awards extended			52
Total scholarship holders			94
Awards completed	269		

B. South African students

Applications received		1 733	
New awards granted			1 947
Awards extended			512
Total scholarship holders			2 459
Awards completed	1 275		

C. Grand total

Applications received		3 540	
New awards granted			1 989
Awards extended			564
Total scholarship holders			2 553
Awards completed	1 544		

a/ In accordance with a decision of the Advisory Committee, new awards for Namibians were discontinued in December 1992, but all remaining Namibian students will complete the studies for which the awards were made, subject to satisfactory academic performance and availability of funds.

ANNEX II

Host countries and fields of study

Host country	Field of study	Number of awards	Total
	A. Namibian students		
Australia	Vocational education	2	
Botswana	General education	3	
Germany	Medical science (MD)	1	
Ghana	"A" levels	5	
India	General education	13	
	English	1	
	Total	14	
Kenya	Vocational education	1	
Namibia	Administration, management and finance	1	
	Accounting	1	
	Personnel administration	1	
	Business studies	1	
	Public administration	1	
	Economics	3	
	General education	3	
	Primary education	1	
	Ecology/environment	1	
	Chemistry	1	
	Sociology	1	
	Total	15	
United Kingdom of Great Britain and Northern Ireland	Administration, management and finance	1	
	Economics	1	
	General education	4	
	Agriculture/agronomy	1	
	Total	7	
United States of America	Computer science	2	
	Computer engineering	2	
	Economics	7	
	General education	2	
	Training methodology	1	
	Urban planning	1	
	General law	1	
	Biology	4	
	Pharmacology	1	

Host country	Field of study	Number of awards	Total
United States of America (continued)	Dental studies	2	
	Civil engineering	1	
	Mechanical engineering	2	
	Energy engineering	2	
	Electronic engineering	1	
	Electrical engineering	1	
	Physics	1	
	Geology	1	
	Political science	1	
	Film/motion picture	1	
	Radio and television	4	
	History	1	
	Total	39	
Zimbabwe	History	1	
	English	6	
	Total	7	
			94

B. South African students

Australia	Medical science (MD)	1	
Belgium	Administration, management and finance	1	
Botswana	Accounting	3	
	African studies	1	
	Business studies	4	
	Database design	1	
	Computer science	11	
	Economics	1	
	Humanities	4	
	General law	2	
	General life science	1	
	Marketing management	1	
	Mechanical engineering	1	
	Electrical engineering	2	
	Civil engineering	1	
	General education	1	
	Primary education	2	
	Vocational education	4	
	Sociology	1	
	Social science	2	
	Social work	1	
	Radio and television	4	
	Total	48	
Canada	Accounting	1	
	Computer science	1	
	Economics	1	

Host country	Field of study	Number of awards	Total
Canada (continued)	General education	2	
	Dental studies	1	
	Civil engineering	1	
	Chemical engineering	1	
	Political science	1	
	Journalism	1	
	Sociology	1	
	Total	11	
Egypt	Medical science	22	
Ghana	Accounting	1	
	Economics	1	
	General law	1	
	Journalism	5	
	Medical science (MD)	1	
	Film/motion picture	1	
	Total	10	
Greece	Medical science (MD)	1	
Grenada	Medical science (MD)	1	
Hungary	Civil engineering	1	
India	Business studies	2	
	Economics	8	
	General education	1	
	Medical science (MD)	7	
	Veterinary science	1	
	Total	19	
Ireland	Medical science (MD)	1	
Jamaica	Economics	1	
Kenya	Electronic engineering	1	
Lesotho	Accounting	4	
	Public administration	2	
	Commercial studies	7	
	Computer science	1	
	Economics	8	
	General education	24	
	Secondary education	1	
	Vocational education	6	
	General law	24	
	Life science	34	
	Civil engineering	2	
	Agriculture/agronomy	1	

Host country	Field of study	Number of awards	Total
Lesotho (continued)	General life science	1	
	Mechanical engineering	1	
	Electrical engineering	1	
	Social development	1	
	General statistics	1	
	Humanities	5	
	Medicine	1	
		125	
Liberia	Agriculture/agronomy	1	
	Medical science (MD)	1	
	Total	2	
Malaysia	Vocational education	1	
Namibia	Public administration	1	
	Economics	1	
	Secondary education	1	
	Total	3	
Nigeria	Civil engineering	1	
	History	1	
	Total	2	
Pakistan	Economics	1	
	General law	1	
	Political science	1	
	Total	3	
South Africa	Administration, management and finance	2	
	Accounting	2	
	Financial administration/budgeting	1	
	Public administration	77	
	Personnel administration	6	
	Business studies	11	
	Commercial studies	23	
	Computer science	2	
	Computer engineering	3	
	Economics	59	
	Social development economics	8	
	General education	82	
	Higher education	15	
	Pre-primary education	4	
	Primary education	4	
	Special education	1	
	Vocational education	3	
	Architecture	2	
	Aviation law	1	
	General law	112	

Host country	Field of study	Number of awards	Total
South Africa (continued)	Life science	40	
	Agriculture/agronomy	9	
	General life science	25	
	Medical science (MD)	13	
	Nursing	4	
	Dental studies	2	
	Pharmacy	3	
	Occupational health	1	
	Civil engineering	3	
	Mechanical engineering	3	
	Energy engineering	1	
	Electrical engineering	2	
	Electronic engineering	1	
	Chemistry	13	
	Geology	2	
	International relations	2	
	Social science	13	
	Journalism	2	
	Public information	1	
	History	1	
	Social work	18	
	Sociology	3	
	English	2	
	Linguistics	1	
	Physics	1	
	Political science	2	
	Biology	4	
	Industrial relations	3	
	Public broadcasting	17	
	Psychology	8	
	Zoology	1	
	Mathematics	2	
	Science	1	
	Distance education	1 000	
	Total	1 622	
Swaziland	Commerce	2	
	Accounting	2	
	Business studies	1	
	Economics	9	
	General education	9	
	Primary education	9	
	Secondary education	4	
	Vocational education	3	
	Architecture	3	
	General law	3	
	Life science	4	
	Agriculture/agronomy	12	
	Nursing	1	
	Occupational health	1	

Host country	Field of study	Number of awards	Total
Swaziland (continued)	Mechanical engineering	1	
	Electrical engineering	1	
	Social science	12	
	Total	77	
Uganda	Accounting	1	
	Vocational education	3	
	Social science	1	
	Total	5	
United Kingdom of Great Britain and Northern Ireland	Administration, management and finance	1	
	Accounting	2	
	Public administration	1	
	Personnel administration	1	
	Computer engineering	1	
	Economics	2	
	General education	26	
	Regional planning	1	
	General law	1	
	Biology	1	
	Medical science (MD)	1	
	Nursing	1	
	Physics	1	
	Chemistry	2	
	Analytical chemistry	1	
	International relations	1	
	Area studies	1	
	Radio and television	3	
	Journalism	1	
	Social work	1	
	Humanities	1	
	Total	51	
United Republic of Tanzania	Financial administration/budgeting	4	
	International finance	3	
	Public administration	1	
	Business studies	3	
	Computer science	1	
	Economics	1	
	Adult education	1	
	Vocational education	12	
	Law	1	
	Agriculture/agronomy	1	
	Medical science (MD)	2	
	Occupational health	1	
	Political science	2	
	Journalism	4	
	Social work	5	
	Total	42	

Host country	Field of study	Number of awards	Total
United States of America	Administration, management and finance	7	
	Accounting	2	
	Financial administration/budgeting	1	
	International finance	2	
	Public administration	9	
	Organizational development	2	
	Personnel administration	1	
	Business studies	3	
	Computer science	2	
	Computer engineering	5	
	Economics	34	
	Social development economics	4	
	General education	29	
	Adult education	1	
	Higher education	4	
	Primary education	1	
	Secondary education	1	
	Vocational education	6	
	Architecture	2	
	Urban planning	5	
	Regional planning	4	
	Civil law	1	
	Criminal law	1	
	General law	8	
	Agriculture/agronomy	5	
	Biology	4	
	General life science	1	
	Medical science (MD)	10	
	Pre-medical studies	3	
	Nursing	6	
	Dental studies	1	
	Physical therapy	1	
	Pharmacy	1	
	Nutrition	1	
	Occupational health	8	
	Zoology	1	
	Civil engineering	7	
	Mechanical engineering	2	
	Electrical engineering	2	
	Chemical engineering	5	
	Electronic engineering	2	
	Physics	4	
	Chemistry	13	
	Geology	1	
	Political science	7	
	African studies	3	
	Communications	1	

Host country	Field of study	Number of awards	Total
United States of America (continued)	Film/motion picture	2	
	Radio and television	5	
	Journalism	1	
	Anthropology	1	
	History	2	
	Psychology	12	
	Social work	26	
	Sociology	3	
	General statistics	3	
	General mathematics	7	
	Humanities	4	
	Linguistics	2	
	English	2	
	Total	294	
Zambia	Accounting	1	
	Marketing management	1	
	Computer science	2	
	Vocational education	1	
	Radio and television	1	
	Total	6	
Zimbabwe	Personnel administration	1	
	Business studies	2	
	Commercial studies	2	
	Computer science	1	
	Economics	5	
	General education	3	
	Vocational education	10	
	General law	2	
	Medical science (MD)	1	
	Radio and television	2	
	Public information	1	
	History	1	
	Social work	1	
	Sociology	2	
	Humanities	2	
	English	13	
	"A" levels	59	
	Total	108	
			2 459
	Grand total		2 553

ANNEX III

Placement by region, 1992/93

	Africa	Europe	North America	Latin America and the Caribbean	Asia	Total
Namibia	31	8	39	-	16	94
South Africa	2 073	55	305	2	24	2 459
Total	2 104	63	344	2	40	2 553

ANNEX IV

Breakdown of awards by gender

	Female	Male	Total
A. Namibians			
Australia	1	1	2
Botswana	2	1	3
Germany	-	1	1
Ghana	5	-	5
India	1	13	14
Kenya	1	-	1
Namibia	4	11	15
United Kingdom of Great Britain and Northern Ireland	3	4	7
United States of America	11	28	39
Zimbabwe	5	2	7
	33	61	94
B. South Africans			
Australia	-	1	1
Belgium	1	-	1
Botswana	12	36	48
Canada	5	6	11
Egypt	7	15	22
Ghana	1	9	10
Greece	-	1	1
Grenada	-	1	1
Hungary	-	1	1
India	3	16	19
Ireland	-	1	1
Jamaica	-	1	1
Kenya	-	1	1
Lesotho	30	95	125
Liberia	-	2	2
Malaysia	1	-	1
Namibia	-	3	3
Nigeria	-	2	2
Pakistan	-	3	3
South Africa	650	972	1 622
Swaziland	27	50	77
Uganda	-	5	5
United Kingdom of Great Britain and Northern Ireland	16	35	51
United Republic of Tanzania	7	35	42
United States of America	122	172	294
Zambia	1	5	6
Zimbabwe	25	83	108
	908	1 551	2 459

ANNEX V

Offers of scholarships in kind

In addition to the voluntary cash contribution referred to in paragraph 4 of the report, in past years the Programme received offers of scholarships for training in their own educational institutions from the following States:

Algeria
Austria
Barbados
Belarus
Bulgaria
Canada
Egypt
Germany
India
Israel
Italy
Jamaica
Kuwait
Lesotho
Libyan Arab Jamahiriya
Mauritius
Nigeria
Pakistan
Qatar
Republic of Korea
Romania
Russian Federation
Sri Lanka
Sudan
Thailand
Trinidad and Tobago
Ukraine

UNITED
NATIONS

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Agenda item 114 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in South Africa

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the preliminary report on the situation of human rights in South Africa prepared by the Ad Hoc Working Group of Experts on southern Africa of the Commission on Human Rights in accordance with Commission resolution 1993/9 of 26 February 1993 and Economic and Social Council decision 1993/257 of 28 July 1993.

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I. INTRODUCTION

1. The Commission on Human Rights, at its forty-ninth session, adopted resolution 1993/9 of 26 February 1993, in which it decided to renew for a further period of two years the mandate of the Ad Hoc Working Group of Experts on southern Africa, established pursuant to Commission on Human Rights resolution 2 (XXIII) of 6 March 1967. In resolution 1993/9 the Commission requested the Working Group, inter alia, to continue to examine the situation regarding the violations of human rights in South Africa and to submit an interim and a final report to the Commission at its fiftieth and fifty-first sessions, respectively, and preliminary reports to the General Assembly at its forty-eighth and forty-ninth sessions.

2. The Working Group is currently composed of the following six members, serving in their personal capacity and appointed by the Commission on Human Rights: Mr. Mikuin Leliel Balanda (Zaire), Chairman/Rapporteur; Mr. Felix Ermacora (Austria), Vice-Chairman; Mr. Armando Entralgo (Cuba); Mr. Elly-Elikunda Mtango (United Republic of Tanzania); Mr. Zoran Pajić (Bosnia and Herzegovina); and Mr. Mulka Govinda Reddy (India).

3. The Commission on Human Rights, at its forty-ninth session, in accordance with resolution 1993/9, requested the Government of South Africa to allow the Ad Hoc Working Group of Experts to visit that country to gather information from concerned individuals and organizations in order to ascertain the situation of human rights in South Africa.

4. In pursuance of that request, once again, the representative of the Government of South Africa was approached. The Assistant Secretary-General, on behalf of the Working Group, addressed a request on 1 March 1993. A delegation of Members of Parliament, who had had consultations with the Assistant Secretary-General at Geneva and had expressed their interest in facilitating a visit by the Working Group, was also approached by him. On 6 April 1993, the Chairman of the Working Group further renewed the request on behalf of the Group for a visit to South Africa in order to ascertain the situation of human rights in that country. Further informal contacts resulted in an indication from the Permanent Representative of the Government of South Africa to the United Nations Office at Geneva that the visit was not considered advisable given the present delicate situation in the country. The Working Group regrets the consistent failure of the Government of South Africa to respect the requests of the Commission to facilitate the Group's visit in order to evaluate the prevailing situation of human rights. The Group continues to hope that the competent authorities in South Africa will concede to the resolutions of the Commission on Human Rights and allow a visit before the fiftieth session of the Commission.

5. In order to fulfil their reporting responsibilities to the General Assembly and the Human Rights Commission, the Working Group, in keeping with past practice, heard testimonies outside South Africa. The Group conducted hearings at Gaborone from 16 to 19 August 1993 and at Harare from 20 to 27 August 1993 for the purpose of receiving evidence and hearing testimony from individuals and organizations having first-hand experience with the situation in South Africa. The topics on which the Working Group received evidence and heard testimony were the following: conditions after the repeal of certain apartheid legislation

(including health and education), right to life, detention and deaths in police custody, cases of torture and ill-treatment, capital punishment and executions, administration of justice, political trials, detention, torture and ill-treatment of children, trade union activities, constitutional negotiations and the situation regarding the escalating violence resulting in deaths.

6. During the course of meetings held at Gaborone, testimony was heard from representatives of the African National Congress (ANC), the Independent Board of Inquiry and the Anti-Censorship Action Group. Testimony was also given by concerned individuals.

7. The Working Group gathered further evidence at Harare from representatives of the Human Rights Commission of South Africa, the National Association of Democratic Lawyers, Lawyers for Human Rights, the ANC, the Centre for Applied Legal Studies of the University of Witwatersrand and concerned individuals.

8. The Working Group received testimony at Geneva from representatives of the International Labour Office (ILO) regarding the recent development with respect to trade union law and the situation of Black workers in South Africa. The special report of the Director-General of ILO to the eightieth session of the International Labour Conference on the application of the Declaration concerning Action Against Apartheid in South Africa will be evaluated by the Working Group in its final report to the Commission on Human Rights at its fiftieth session.

9. The Working Group heard testimony from a total of 15 witnesses.

10. The present report, which should be read in conjunction with the Working Group's latest report to the Commission on Human Rights (E/CN.4/1993/14), is a brief evaluation of the principal developments of the human rights situation in South Africa between February and September 1993. It was adopted by the Working Group on 30 September 1993.

II. RIGHT TO LIFE

A. Escalation of violence

11. The Working Group noted that the situation regarding violence appeared to be very encouraging in the initial months of 1993 and that deaths and injuries had diminished considerably. However, the situation began to change soon after constitutional negotiations began and the death-toll rose, especially after the Multiparty Negotiating Forum decided that elections would take place on 27 April 1993, leading to the formation of the Transitional Executive Committee. It would appear that violence continues to escalate. According to statistics published by the Human Rights Commission of South Africa, 554 deaths were recorded in August 1993 alone, the third highest figure recorded. It was reported that the average daily death rate came to 18, which was more than double the average death rate for the previous three years. The representative of the Human Rights Commission of South Africa informed the Working Group that 2,000 people had been killed in political and other violence during the first seven months of 1993 and close to 3,000 had been injured. The witness said that since August 1992 the violence had shifted from the Pretoria/Witwatersrand/Vaal area to the Natal region. In recent months, however, the violence returned to

the former area. According to the information submitted by the representative of the Human Rights Commission of South Africa, the deaths in that area during July 1993 accounted for more than half the national death toll.

Assassination of Chris Hani

12. Politically motivated violence achieved its peak in the senseless assassination of Chris Hani, the Secretary-General of the South African Communist Party, in April 1993, the most disturbing event at a time when such strenuous efforts had been undertaken by all parties concerned to reach a negotiated settlement for a constitutional framework that would allow the deprived majority of South Africa to establish a multiparty democratic government. As progress is made towards a consensus, extremist reactions are inevitable from some quarters. On the other hand, it must be noted that there appears to be a genuine attempt to work towards peace and reconciliation evidenced by the fact that a White woman, a neighbour of Mr. Hani, was instrumental in the arrest of a suspect in his murder thanks to her speedy intervention. According to the representative of Lawyers for Human Rights, during the tense and volatile situations that followed, it was through the structures of the National Peace Accord, as well as appeals from the leaders of all groups, that violent incidents were prevented during the funeral ceremonies. This was due in part to the fact that the National Peace Accord committees are in a position to establish contact at the local level as well as undertake the task of facilitating and maintaining peace, a role that is vital, in the face of the increasing violence.

B. Detention without trial

13. It was reported that 117 people had been detained during the first seven months of 1993 under section 29 of the Internal Security Act. Four of them were still in detention at the end of July 1993. Under section 50 of the Act, which allows for 14 days' preventive detention, 74 detentions were recorded. On the other hand, no detentions were recorded during that period under section 31 of the Act. It was further reported that 21 people were still being held under the Unrest Areas Regulations.

14. Under equivalent legislation in the so-called "homelands", which remains unchanged, 55 detentions were recorded in Bophuthatswana. The Working Group noted that according to information received from the Human Rights Commission of South Africa no such detentions were recorded in Transkei, Ciskei and Venda.

C. Death in detention and police custody

15. According to the representative of the Human Rights Commission of South Africa, no deaths in detention were recorded during the first seven months of 1993. However, during the same period, 25 deaths while in police custody were recorded. In this connection, the Working Group was pleased to note the reported establishment in March 1992 under the National Peace Accord of the Police Board. It was reported that the Board was to be launched in the Witwatersrand/Vaal area and was expected to be operational by the end of 1993. The representative of the Human Rights Commission of South Africa further

reported that local committees were to conduct announced spot checks on police cells and that, with the agreement of the police, under a "visitors' programme", a panel of civilians would be allowed to examine police cells at any time during the day or night in order to interview any prisoner and subsequently report on the visit. A police register, to be kept at local police stations, was to be established in order to keep a record of those arrested as well as details of the place where they were being detained. Furthermore, all this information was to be made available to those directly concerned and affected by the arrests.

16. The representative of the Human Rights Commission of South Africa referred to several inquests into deaths in police custody and referred to cases where, subsequent to the inquiries, members of the South African Police were suspended from duty, pending investigations or a decision by the Attorney-General. Decisions by the Attorney-General to prosecute policemen involved in deaths of persons while in police custody were also brought to the attention of the Working Group by the representative of Human Rights Commission of South Africa.

17. It was reported in the Amnesty International Newsletter of September 1993 that, in a rare move, the Attorney-General from Witwatersrand had announced in July that a police lieutenant was to be charged with the murder of Bethuel Maphumulo, who was killed while in custody in 1990. The decision to prosecute, it was further reported, came in the wake of a campaign by the Maphumulo family, lawyers and human rights activists, who had struggled for more than two years to convince the authorities to bring charges against the police officer accused of responsibility for the killing. It was reported that the case was scheduled to be heard by the Supreme Court.

D. Political trials

18. According to information received by the Working Group, political trials continue under the Internal Security Act: during the period from January to June 1993, it was reported that 90 trials had been completed involving 860 accused. Of those accused persons, 145 were convicted, 211 acquitted, 403 had all charges against them withdrawn and 79 pleaded guilty and were fined. Twenty-one of them absconded and one was granted indemnity. The representative of the Human Rights Commission of South Africa further reported that at the end of July 1993 81 political trials were in progress involving 827 accused.

E. Political prisoners

19. It was reported by the representative of the Human Rights Commission of South Africa that the Joint Scrutiny Committee set up in 1992 for the purposes of identifying political prisoners who qualify for release as political prisoners had the names of 49 persons categorized as prisoners who qualified for release. The Committee had already assessed 13 of them who were still in prison as political prisoners and 17 were still under review. The Human Rights Commission of South Africa lists the remaining 19 as political prisoners and therefore entitled to be considered for indemnity. 1/

F. Executions

20. The Working Group was informed that no executions had taken place during the period under consideration, although 302 people were known to be on death row and 29 of them were sentenced to death during the course of 1993 in relation to criminal offenses.

III. BANTUSTANS

21. As previously reported on several occasions by the Working Group and according to recent information received from Africa Watch, the Working Group once again emphasizes that under apartheid as originally conceived, all Black South Africans were to lose their South African citizenship and instead become citizens of the so-called "independent States" within South Africa's borders. Although all substantial ethnic groups of purely African origin in South Africa were eventually allocated to a particular homeland, the system was never entirely implemented. Many Africans continued to live - legally or illegally - in areas officially designated for Whites only; moreover, only four of the homelands (Transkei, Bophuthatswana, Venda and Ciskei, "the TBVC States") ever became nominally independent. The remaining six are known as "self-governing territories" and do not have sovereign status within South African law though they do theoretically have a large measure of legislative and executive autonomy. In practice, there has been little difference for their inhabitants between the nominally independent TBVC States and the "self-governing territories". Although the Government of South Africa in 1991 repealed the major legislation implementing apartheid within South Africa outside the homelands, the statutes setting up the homelands remain in force.

22. The reincorporation of the so-called "homelands" into the Republic of South Africa has been one of the most contentious points at the multilateral negotiations for a transition to majority rule, which began in 1990. The Government of South African has argued that the reincorporation of some of the "homelands" requires the consent of the Governments concerned, because it treats them as sovereign States. In the case of the self-governing territories, the Government of South Africa passed legislation in 1993 that makes provision for the jurisdiction granted to the six "non-independent" homelands to be revoked. Nevertheless, this power is to be exercised only "with the consent or at the request of the Government of the self-governing territory concerned".

23. In August 1992, it was reported that the Government of South Africa was planning to give control of an additional 1.2 million hectares of land to the self-governing territories of KwaZulu, QwaQwa and Lebowa. 2/ Further land would also be offered to KaNgwane, KwaNdebele and Gazankulu. According to the Government's own analysis, more than half of this land is already developed and occupied on a permanent basis. Approximately 600,000 hectares of the land was designated for transfer to KwaZulu. According to information received, the Government refused to release details of the exact location of the land affected, which was only publicized after research at the Deeds Office by the Association for Rural Advancement (AFRA), a non-governmental organization involved in development and land issues. The areas affected are spread throughout Natal and include communities that previously opposed incorporation into the homeland. There was an immediate outcry at the transfer proposals from

a wide variety of organizations, including the ANC, as well as human rights and development groups. (A joint press release condemning the Government's proposal was released by AFRA, the Black Sash, the Centre for Adult Education of the University of Natal, Pietermaritzburg, Five Freedoms Forum, the Human Rights Commission, Lawyers for Human Rights, the Legal Resources Centre, the Natal Midlands Rural Development Network Executive, the Pietermaritzburg Association for Christian Social Action and the South African Catholic Bishops Conference.)

24. The land to be transferred was previously held by the South African Development Trust (SADT), a body established by the Development Trust and Land Act of 1936 to hold land intended for eventual incorporation into the homelands. Following the repeal of the Development Trust and Land Act by the Abolition of Racially Based Land Measures Act of 1991, SADT was abolished on 1 April 1992. The land it held was transferred to the Ministry of Regional and Land Affairs (formerly the Department of Development Aid), which is responsible for the self-governing territories, and it is this land that is now being transferred to homeland control. Although the details of the transfer remain obscure, it was stated by Deputy Minister of Land Affairs Johan Scheepers that the land to be transferred would remain part of South Africa, subject to South African legislation, but that the rendering of services on the land concerned would be a joint venture. It has not been made clear what exactly this joint administration will entail. According to information received in previous cases where land has remained technically part of South Africa but administration has been by a homeland, there has been no practical difference from complete transfer of ownership.

25. In its 1991 White Paper on Land Reform, the Government of South Africa acknowledged that there was no basis for further incorporation of land into the homelands. During multilateral negotiations in 1992 it was also agreed by all parties, including the Governments of the self-governing territories, that there should be a moratorium on further transfers of land. However, the Government has described the new transfers as "in accordance with the principles and guidelines contained in the Government's White Paper on Land Reform", on the grounds that full ownership was not being transferred to the homelands. The transfer of administrative control was a compromise agreed to because the Government had "come under increasing pressure from the six territories to fulfil the old promises of land transfer".

26. While the Governments of Lebowa and QwaQwa agreed to the transfer of joint administrative control under the scheme proposed by the Government, the KwaZulu Government argued that full authority over the land should be transferred to it.

27. On 1 February 1993, Deputy Minister of Land Affairs Johan Scheepers was reported to have said that the Government would not put a moratorium on the land transfers. In June 1993, two acts (the Regulation of Joint Executive Action Regarding Certain Land Act 109/1993 and the Joint Administration of Certain Matters Act 99/1993) were enacted empowering the State President to give effect to agreements for the joint administration of land outside the self-governing territories. In August 1993, South Africa and KwaZulu announced that a compromise had been reached on the land allocated to KwaZulu. The transfers would go ahead, although KwaZulu would not obtain full authority, South Africa retaining the right to control policing and education, with other services being jointly administered. Two highly sensitive areas, Clermont (a township outside

Durban that had previously fought a long battle against incorporation) and Edendale (an area near Pietermaritzburg that has been a centre of bitter violence), would be excluded from the transaction. According to information received, no land has yet been transferred under this agreement.

28. The Working Group was informed that during the initial period of constitutional negotiations, there had been no adequate reference to or discussion of the question of the homelands.

IV. FREEDOM OF THE PRESS

29. The Working Group was informed by a representative of the Anti-Censorship Action Group that there was an increase in attacks on journalists and members of the press corps. She referred to the events during the commemorative meetings and marches for the day of mourning of Chris Hani, as well as instances when attempts were made, on other occasions, to report on or photograph crowds looting shops or indulging in arson. She referred to an attack on a cameraman and a South African Broadcasting Corporation journalist on 23 April 1993, which resulted in the death of the latter. The increase in such events had led to a resolution at the annual congress of the South African Union of Journalists to set up permanent structures with the main political parties to discuss attacks on journalists.

30. The Working Group also noted that, according to information received after allegations were made of irresponsible press reporting, the Goldstone Commission had requested the Press Council to investigate the role of the media in the current escalation of violence, especially in relation to incidents such as those which took place during a march at Thokoza that ended in the death of 13 people.

31. Proposals are currently under consideration to reorganize the South African Broadcasting Corporation.

V. EDUCATION

32. The representative of the national Children's Rights Committee in the course of her testimony referred to all the encouraging and positive changes that had taken place, in particular the Interim Measure of Local Government Act of 1991, which had been passed to allow local committees to negotiate their own models of non-racial local government until the constitution was finalized. She also referred to the Child Care Amendment Act of 1991, which aimed to enable adoptions of children without racial considerations. She further referred to the Education Affairs Amendment Act of 1992, which was passed to facilitate procedures whereby schools could admit pupils of other races and to the initiation of procedures to desegregate hospitals and eliminate discrimination in the entitlements of pensions which were previously based on race. She said that in spite of those legal changes, the actual situation in areas such as health, education and social welfare had not yet improved because of difficulties associated with availability, affordability and accessibility.

33. Furthermore, she informed the Working Group that the child population (under 19) in South Africa in 1991 had been recorded as 17,585,922. Children under five years of age in 1991 made up 36 per cent of the total South African population and only 7 per cent of those under five years of age had access to pre-school education and care. The National Education Policy Investigation on Early Childhood Educare had expressed the need to coordinate education, primary health care, social welfare, housing and development programmes to meet the needs of children in an integrated way. Its report also highlighted the tension between the need for effective family and community participation in educare provision and the need to promote national unity and to distribute resources to redress the iniquities of apartheid in terms of an overall development plan. Iniquities in the South African educational system were greatest in respect of educare and basic primary schooling, which perpetuated inequality of performance. In that connection the differential treatment in the provision of educational facilities inherited from the apartheid system remained and no financial provision was made for African children of pre-school age. That practice stemmed from a discriminatory way of budgeting in the educational system, which still maintained the structure of apartheid. The witness stressed the importance of moving beyond legislative changes in terms of a negotiated settlement and undertaking the promotion of a culture of learning and teaching, which had been destroyed. Violence had made access to schools extremely dangerous in affected areas and those African children who did manage to get to schools spent very little time in formal learning.

34. The representative went on to say that, owing to apartheid structures, which provided for separate discriminatory educational systems based on race, compulsory education at the primary and secondary school level was not provided for all African children and it was a discretionary matter for the different departments, which are governed by their own statutes. She referred to a proposal recently adopted by the Government to introduce compulsory education for at least nine years, for which the State would assume primary responsibility. The National Education Policy Investigation (1992) and the ANC, among others, had made various proposals for restructuring a phased transition of the existing system, which was run under 19 different departments. According to the witness, compulsory primary and junior secondary education would require an additional 125,617 teachers and 11,044 classrooms, the total costs of which would be more than 2 billion rand. To implement compulsory education in the Department of Education and homeland schools, an additional 18,059 teachers would be needed. In view of the natural link with early childhood development programmes, an increase in possible access to primary education would undoubtedly lead to a greater fulfilment of aspirations for higher education. In that context, the representative expressed the need to support the Transitional Executive Council and to encourage it to work closely with democratic structures to achieve acceptable solutions.

VI. TRADE UNION RIGHTS

35. It was reported that political changes leading up to the formation of the Transitional Educative Council had had a strong influence on trade union rights and labour laws in South Africa. Several bodies connected with trade union rights bodies had changed their composition and had resulted in multiracial forums. The National Manpower Commission was now constituted as a tripartite multiparty body. Although jobs at the higher level were no longer reserved for the Whites, the situation of Black workers had not changed, since they still did not have access to the necessary training.

36. The Public Service Act of 1993, which deals with civil servants, was passed in May 1993. However, those positive developments had not yet improved the situation of domestic workers and the estimated 1,000,000 farm workers. It was reported that two bills concerning domestic and farm-workers were still pending before Parliament.

37. According to information received, numerous arms were in the hands of the civilian population and in particular, under the government scheme of state subsidy, White farmers were heavily armed, which would further complicate the social relationship between farmers and their employees. Employers and workers as such were not participating in the constitutional negotiations and that could undermine workers' rights.

38. Farm-workers were totally dependent on the owner of the farm for family accommodation and sometimes schooling provided by some farmers. It was reported that that could well prevent the farm-workers from organizing themselves.

VII. CONSTITUTIONAL NEGOTIATIONS

39. After agreement during the multilateral talks was reached in early September on the formation of a Transitional Executive Council, the South African Parliament approved it on 23 September 1993. On 24 September 1993, Mr. Nelson Mandela addressed the General Assembly and asked for the removal of economic sanctions against South Africa.

VIII. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

40. The Ad Hoc Working Group of Experts regrets that the Government of South Africa has not permitted the Group to visit the country in order to evaluate the prevailing situation of human rights in South Africa in conformity with Commission on Human Rights resolution 1993/9.

41. The right to life continues to be violated with impunity. In August 1993 alone 554 deaths were recorded as a result of the violence in the country. During the first seven months of 1993, 2,000 people were killed as a result of political violence. As far as the death toll is concerned, there is clearly direct or indirect responsibility of the security forces.

42. The rise in the death toll after the decision to hold Constituent Assembly elections in April 1994 raises suspicion of deliberate action by certain right-wing forces to frustrate the democratic process.

43. Endemic violence constitutes a key element in the South African crisis. According to the different testimonies submitted to the Working Group, it is mainly due to political rivalries and the so-called "third force", a clear reference to the role of the police and security forces. It is evident that without an end to the escalation of violence and a much more rapid and efficient preventive action or intervention by the police, this situation will inevitably reduce the chances for peaceful and democratic solution of the political crisis and the total elimination of the system of apartheid.

44. Detentions without trial under sections 29 and 50 of the Internal Security Act and under the Unrest Areas Regulations continue to violate individual freedoms in South Africa and should therefore be abolished. The Ad Hoc Working Group is also concerned about detentions without trial in the so-called "homelands", particularly in Bophuthatswana.

45. During the first seven months of 1993, 25 deaths in police custody were recorded. The Ad Hoc Working Group is seriously concerned that deaths in police custody are still taking place in South Africa. It urges the Government of South Africa to ensure that all necessary measures are taken to put a stop to this gross violation of the right to life and in this connection it hopes that the Police Board, which may be operational by the end of 1993, will have a positive role to play.

46. The system of homelands, which is widely condemned by the international community, is still in force despite the repeal in 1991 of major apartheid laws. It appears, from the steps recently taken to incorporate more land into the so-called "self-governing territories", that the Government of South Africa still intends to perpetuate the Bantustan system. It is also curious that the 1993 law providing for possible revocation of homeland status is conditional upon the consent or request of the Government of the self-governing territory concerned.

47. The Working Group considers that the whole issue of freedom of the press as well as the question of responsible reporting needs careful attention. Objective assessment and the right of the people to information is a question of particular importance at a time when proposals are under consideration regarding the freedom of expression.

48. The Working Group notes that there are various factors that have led to attempts to curb the freedom of the press through violent measures. While important and fundamental principles are being decided upon during the current constitutional negotiations, freedom of expression must receive the attention it merits.

49. The population of children in South Africa in 1991 was recorded as 17,585,922. Compulsory education is not available to Black children. Children of different races are treated differently and are covered by separate departments.

50. While appreciating the measures already taken to introduce reforms relating to the rights of workers in the agricultural, domestic and public service sectors, the Working Group notes with concern the fact that such measures do not sufficiently conform to the international labour standards governing the tripartite partners all over the world.

51. The political atmosphere improved significantly after the agreement reached at the multiparty conference on the establishment of a Transitional Executive Council and a previous accord fixing elections for 27 April 1994.

52. In that context, the Group sees the removal of the trade and economic sanctions against South Africa proposed by Mr. Nelson Mandela as an important step in the process of reintegration of the country into the international community.

53. However, the hostile stand of the White extreme right and the local authorities in three Bantustans, KwaZulu, Bophuthatswana and Ciskei, the discriminatory behaviour of the security forces in South Africa and the increasing violence throughout the country could jeopardize the proper functioning of the Transitional Executive Council, the forthcoming elections and the reintegration of South Africa into the international community.

54. The failure of the South African authorities to protect all citizens on an equal footing has resulted in the accumulation in private hands of an enormous amount of weaponry acquired for self-defence.

B. Recommendations

55. The government institutions, in particular the South African Police and the Defence Force, should demonstrate greater determination to curb the escalating violence and take responsibility for guaranteeing security to all citizens without discrimination. The right-wing tendencies of some members of the police and army affecting their official activities must be investigated and, where proven, the individuals concerned retired forthwith.

56. Attempts should be made to educate members of the security forces through retraining of the security personnel in accordance with international standards.

57. The Ad Hoc Working Group recommends that sections 29 and 50 of the Internal Security Act and other remaining repressive regulations should be abolished and that similar regulations applicable in the homelands should be scrapped at the same time.

58. A general amnesty should be given to all those under sentence of death for anti-apartheid activities that could be regarded as politically motivated.

59. It is recommended that the death penalty should be abolished immediately and that the sentences of all prisoners on death row should be replaced by other forms of punishment.

60. The Bantustan system, which was established unilaterally by the Government of South Africa without consultation with the territories concerned, should be

speedily abolished without the prerequisite request or consent of the nominally independent homelands or the self-governing territories.

61. The Group hopes that freedom of expression will be considered by all negotiating parties as one of the fundamental human rights.

62. While the recently adopted proposal to introduce nine years' compulsory education is laudable, the Government of South Africa should take urgent and deliberate measures to provide the necessary human and material resources. The international community should also assist in this regard.

63. It is recommended that the Government of South Africa invite ILO to advise on changes to be introduced in order to comply with international labour standards.

64. Any interim constitution should contain all the recognized international norms in the field of human rights.

65. With the assumption of responsibility to guarantee public safety without discrimination, the Government should take firm measures for the surrender of all weapons presently in private hands.

Notes

1/ E/CN.4/1993/14, paras. 133-138, p. 36.

2/ See E/CN.4/1993/14, paras. 164-170.